

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

TEDDY R. SOSA,

Plaintiff,

v.

No. 19-cv-1212 KG-LF

MARK MAHONE, *et al*,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter is before the Court on Plaintiff Teddy Sosa's post-judgment Motions to Compel Discovery and for Summary Judgment. (Docs. 23, 25) (Motions). Plaintiff was incarcerated when he filed the Motions and is proceeding *pro se*. Construed liberally, the filings seek to reopen this prisoner civil rights case so that he can continue to litigate. Plaintiff filed this case in 2019, alleging an improper police search led to Plaintiff's state convictions for child abuse, aggravated battery, and aggravated assault with a deadly weapon. By a ruling entered September 8, 2020, the Court dismissed the Complaint for failure to state a cognizable 42 U.S.C. § 1983 claim. (Doc. 12) (Dismissal Ruling). The Court also explained that if Plaintiff wishes to challenge his state criminal convictions, he must file a 28 U.S.C. § 2254 habeas petition. The Clerk's Office mailed him a blank Section 2254 form. Plaintiff has not filed a habeas proceeding.

Plaintiff submitted the instant post-judgment Motions between March and August of 2023. To obtain relief more than one year after entry of a final judgment, the movant typically must show the judgment is void or has been otherwise satisfied. *See* Fed. R. Civ. P. 60(b)(4)-(6), (c)(1). Rule 60(b)(6) also contains a catchall clause for "any other reason that justifies relief." However, Rule 60(b)(6) relief is "extraordinary," "difficult to attain," and only "appropriate ... when it offends

justice to deny such relief.” *Zurich North America v. Matrix Serv., Inc.*, 426 F.3d 1281, 1289, 1293 (10th Cir. 2005). Courts have considerable discretion in deciding whether to reconsider a ruling. *See Phelps v. Hamilton*, 122 F.3d 1309, 1324 (10th Cir. 1997).

Here, the post-judgment Motions seek summary judgment and an order to compel answers to interrogatories. Plaintiff alleges certain federal laws governing intellectual property rights are inadequate to protect his interests and that state judges interfered with the judicial process. (Docs. 23, 25). These arguments do not demonstrate the Judgment is void or that declining to disturb the Dismissal Order would “offend[] justice.” *Zurich*, 426 F.3d at 1293. Hence, Plaintiff is not entitled to relief under Rule 60(b). The Court will deny Plaintiff’s post-judgment Motions and decline to reopen this case.

IT IS ORDERED that Plaintiff Teddy Sosa’s post-judgment Motions to Compel Discovery and for Summary Judgment (Docs. 23, 25) are denied.


UNITED STATES DISTRICT JUDGE